

# CUYAHOGA VALLEY NATIONAL PARK

## Programmatic Environmental Assessment for Riverbank Management of the Cuyahoga River

### 2.0 ISSUE IDENTIFICATION

Issues discussed in NEPA describe the relationships between the action being proposed and the environmental (natural, cultural and socioeconomic) resources. Issues describe an association or a link between the action and the resource. Issues are not the same as impacts, which include the intensity or results of those relationships. Internal scoping (defining the range of potential issues) for this EA was conducted from October 2002 through January 2003, to identify what relationships exist between the proposed action and environmental resources. Scoping for issues was conducted in November 2002 with federal, state, and local agencies having direct and indirect jurisdiction, insight, knowledge, expertise or concern for CVNP resources.

Copies of comments received from federal, state, and local agencies are included in Appendix F, along with written responses to these comments.

The following issues were identified through the internal and external scoping process:

- The Cuyahoga River is the most significant natural resource within CVNP. Riverbank management has the potential to interfere with the natural fluvial geomorphologic processes and/or interfere with the continued restoration of these processes.
- The Cuyahoga River and its tributaries have the potential to destroy the Towpath Trail and/or the Valley Railway (which are listed on the National Register of Historic Places) at various locations, including a portion of the Trail that is a National Historic Landmark.<sup>1</sup>
- The Towpath Trail is the most utilized recreational resource within CVNP. The erosional forces of the Cuyahoga River and its tributaries have the potential to threaten the safety of visitors and employees.
- Riverbank management techniques have the potential to impact terrestrial and aquatic habitat, wetlands, and floodplain values in the vicinity of any particular management action.
- Determine/understand the causes of erosion at each site and to develop a scientifically sound decision-making process for determining the most appropriate course of action for each erosion site.

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<sup>1</sup> The National Register of Historic Places is the Nation's official list of cultural resources worthy of preservation. While there are many historic places that may be included among these cultural resources, only a relatively small number have meaning for most Americans. Places that "possess exceptional value or quality in illustrating and interpreting the heritage of the United States" are designated National Historic Landmarks. National Historic Landmarks are automatically listed in the National Register of Historic Places. Only 3% of properties listed in the National Register of Historic Places are designated as National Historic Landmarks.

- A watershed management approach should be considered.
- Consider the Summit County Riparian Setback Ordinance.
- The Programmatic EA should lead directly to a programmatic agreement(s) to govern the ongoing response to erosion in CVNP. Such agreements could be developed between the NPS and such agencies as the Ohio Historic Preservation Office, the U.S. Army Corps of Engineers (USACE), and the Ohio Environmental Protection Agency (Ohio EPA).

## **2.1 Issues and Impact Topics Addressed in this Programmatic EA**

The issues identified above were translated and focused into impact topics, or a more specific description of resources that may be impacted by the action. These impact topics were then carried through the analysis in the Programmatic EA. The affected environment under each of the impact topics identified is presented in Chapter 4. An analysis of the impacts on these resources from each alternative is evaluated in terms of impacts to these resources in Chapter 5.

### **2.1.1 Water Quality**

Specific actions under any alternative have the potential to create short and/or long term beneficial or deleterious effects on certain water quality parameters. However, some water quality parameters can be expected to be unaffected by almost any action under any alternative. Effects on water quality parameters are important indicators of whether an action has the potential to impair the existing aquatic, water supply or recreational use designations established by the Ohio EPA for the water resource. Those water quality parameters that could be affected by specific actions under any of the alternatives will be identified in Chapter 4.

### **2.1.2 Wetlands**

Executive Order 11990, Protection of Wetlands, requires federal agencies to take in account the effects of their actions on surface waters and wetlands. In addition, compliance is required with Sections 401 and 404 of the Clean Water Act. Wetlands are commonly located along the Cuyahoga River and its tributaries. There is therefore potential for interaction with wetlands for any riverbank management action.

### **2.1.3 Floodplains**

Executive Order 11988 requires each federal agency, in carrying out its activities, to take action to reduce the risk of flood loss, minimize the impacts of floods, restore and preserve the natural and beneficial values served by flood plains, and evaluate the potential effects of any actions it may take in the flood plain so as to ensure its planning programs reflect considerations of flood hazards and flood plain management. Furthermore, Summit and Cuyahoga Counties are enrolled in the National Flood Insurance Program (NFIP); thus actions taken in the flood plain must comply with zoning ordinances that are based on the NFIP regulations. These requirements generally apply to the 100-year flood plain where encroachments are limited to those that would cause no greater than a one-foot rise in water surface elevation, and to the floodway, where no

encroachments are allowed. Since the action involves modifications within the flood plain and/or floodway of the Cuyahoga River and/or its tributaries, it will be necessary to examine this issue.

#### 2.1.4 Terrestrial Habitat, Vegetation and Invasive Species

The Cuyahoga River and its tributaries are surrounded by a diversity of terrestrial habitat and vegetation. Actions along the river and its tributaries will therefore involve these habitat and vegetation areas. Interactions will be examined in light of the Management Policies (NPS, 2001a) that include goals to maintain components of naturally evolving park ecosystems, including natural abundance, diversity and the ecological integrity of plants and animals.

Executive Order 13112 requires that federal agencies act to prevent the introduction of invasive species and provide for their control, and that they minimize the economic, ecological, and human health impacts caused by invasive species. Fourteen plant species known to be in CVNP are considered invasive. This Programmatic EA will examine the relationship of the proposed action to the control of these species.

#### 2.1.5 Aquatic Habitat

The qualities of streams and rivers that enable them to support a healthy aquatic habitat can be measured. These qualities, in the Cuyahoga River, have been measured by others and by this study team in an effort to establish a baseline condition against which potential actions can be evaluated. The actions taken under the alternatives have the potential to affect these qualities, and thus the aquatic habitat.

#### 2.1.6 Federally/State Listed Endangered or Threatened Species

The Endangered Species Act of 1973, as amended, prohibits federal actions from adversely affecting designated critical habitat and requires federal land managers to consider the effects their planned activities may have on species listed as endangered or threatened. Management Policies (NPS, 2001a) state that potential effects of agency actions will also be considered on state or locally listed species. There are no designated critical habitats within the vicinity of CVNP; however, there are species listed as endangered or threatened within CVNP, and the potential of any action to affect any of these species will be examined.

#### 2.1.7 Wildlife

There is an abundance of wildlife in CVNP that frequent the banks of the Cuyahoga River and its tributaries. Riverbank management alternatives could have an effect on how these species utilize this area. There are wildlife species, such as the beaver (*Castor canadensis*), that may alter features of the banks of the Cuyahoga River and its tributaries. There are also species of wildlife that may interact with and affect various bioengineering techniques. Such interactions will be examined in light of the Management Policies (NPS, 2001a) that include goals to maintain components of naturally evolving park ecosystems, including natural abundance, diversity and the ecological integrity of plants and animals.

### 2.1.8 Natural River Processes

NPS regulations and NPS Management Policies provide guidance on geologic resources and processes, including natural river processes. The specific process of interest under the Programmatic EA is fluvial geomorphology which will be referred to as natural river processes in this document. It is these natural river processes that presently and in the future endanger cultural and recreational resources. While NPS is required to allow natural processes to proceed unimpeded, it may interrupt those processes for reasons of safety and to protect other resources. Specific aspects of the alternatives, by altering natural river processes, may induce a beneficial or deleterious response in the character of the river or stream, therefore, warranting evaluation of the actions on stream characteristics. Refer to Appendix B for methodology used to aid in the decision-making process.

### 2.1.9 Cultural Resources

The National Historic Preservation Act (NHPA), as amended in 1992 (16 USC 470 et seq.) and the NPS Cultural Resource Management Guidelines and Policies (Director's Order 28) require the consideration of impacts to cultural resources listed on or eligible for listing on the National Register of Historic Places. NPS Management Policies categorizes cultural resources as archaeological resources, historic and prehistoric structures, cultural landscapes, museum collections, and ethnographic resources (NPS, 2001a). The main types of cultural resources present that could be affected by the alternatives include archaeological resources, historic structures and cultural landscapes.

#### 2.1.9.1 Historic Structures

Both the Ohio & Erie Canal and Valley Railway are historic structures that are listed on the National Register of Historic Places. These are the primary resources to be protected by Riverbank Management, since the erosional effects of the Cuyahoga River and its tributaries could damage or destroy portions of these resources.

#### 2.1.9.2 Cultural Landscapes

Preservation of the rural landscape is central to Cuyahoga Valley National Park's legislative mandate. The law that established CVNP mandates the "preservation of the historic, scenic, natural, and recreational values of the Cuyahoga Valley" (Public Law 93-555). One component of the historic and scenic values of CVNP is the rural landscape. As discussed in Section 4.10.2, the Towpath Trail and the Valley Railway have significant cultural landscape value to the park cultural theme of transportation.

#### 2.1.9.3 Archaeological Resources

Over time, human activity has often focused along rivers and streams. There is therefore a greater potential for archaeological resources to be located in river valleys. Some aspects of riverbank management alternatives could involve disturbance to archaeological resources that may be listed on or eligible for listing on the National Register of Historic Places. Furthermore, the erosional effects of the Cuyahoga River and its tributaries could damage or destroy such

resources as well. Alternatives will be developed that include procedures to examine the potential for impact to such archaeological resources.

In general, most archeological survey work at CVNP occurs in conjunction with projects that require ground disturbance. The planning process in relation to these projects typically provides for archeological inventory work to be completed prior to the actual ground disturbing activity. This inventory work is the initial step taken to provide data about the location of resources and the level of significance. In turn, potential impacts on archeological resources are reduced through measures such as site avoidance, project redesign, or other site protection measures. Currently, the only long-term archeological monitoring occurs in relation to actively cultivated farm fields where the fields are inventoried annually to compare and record findings over time.

#### 2.1.10 Human Health and Safety

The Management Policies (NPS, 2001a) state that the NPS is committed to providing appropriate, high-quality opportunities for visitors to enjoy the parks. The policies also state, “While recognizing that there are limitations on its capability to totally eliminate all hazards, the Service and its concessionaires, contractors, and cooperators will seek to provide a safe and healthful environment for visitors and employees” (sec. 8.2.5.1). Further, the NPS will strive to protect human life and provide for injury-free visits (sec. 8.2.5). The proximity of the Towpath Trail and Valley Railway to the Cuyahoga River and its tributaries results in potential threats to visitor and employee safety.

#### 2.1.11 Visitor Use/Experience

The Management Policies (NPS, 2001a) state that the enjoyment of park resources and values by the people of the United States is part of the fundamental purpose of all parks and that the NPS is committed to providing appropriate, high-quality opportunities for visitors to enjoy the parks. Various aspects of riverbank management could affect recreation along the Towpath Trail, on the Valley Railway or from the Cuyahoga River and its tributaries. This Programmatic EA will therefore examine identification and the potential for such effects.

## **2.2 Issues and Impact Topics Identified and Considered But Not Addressed in this Programmatic EA**

### 2.2.1 Environmental Justice

EO 12898, Environmental Justice in Minority and Low-Income Populations, directs federal agencies to assess whether their actions have disproportionately high and adverse human health or environmental effects on minority and low-income populations. There are no identifiable minority or low-income populations within CVNP or influenced by CVNP. It is therefore concluded that the actions of CVNP will have no disproportionately high and adverse human health or environmental effects on minority and low-income populations.

### 2.2.2 Affiliated Tribes

NEPA requires the consideration of possible conflicts between the proposal and land use plans, policies or controls for entities including Indian Tribes. The National Historic Preservation Act, as amended in 1992 (16 USC 470 et seq.) requires consultation with Indian Tribes. Letters were sent to tribes as part of the external scoping process. One response was received from the Wyandotte Nation stating that “Examination of historic files find no properties documented within project area that meet criteria of traditional value.”

### 2.2.3 Sole or Principal Drinking Water Aquifers

CVNP is not located within the limits of a designated U. S. Environmental Protection Agency Sole Source Aquifer. Therefore, no further processing is required under the Safe Drinking Water Act of 1974.

### 2.2.5 National Natural Landmarks

Tinkers Creek Gorge is the only National Natural Landmark located in CVNP. Tinkers Creek is a tributary of the Cuyahoga River and Tinkers Creek Gorge is located the Bedford Reservation in a portion of CVNP owned by Cleveland Metroparks. There are no features in the Tinkers Creek Gorge that would require riverbank stabilization under this Programmatic EA.

### 2.2.6 Prime Farmlands

The purpose of the Federal Farmland Protection Policy Act (FPPA) of 1987 (see Appendix A) is to minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of farmland to non-agricultural uses. No aspect of the action would irreversibly convert farmland to non-agricultural uses.

### 2.2.7 Unique or Unknown Environmental Risks

There are no unique environmental risks associated with any aspect of the action.

### 2.2.8 Air Quality

The 1963 Clean Air Act (42 USC 7401 et seq., as amended) requires federal land managers to have an affirmative responsibility to protect a park’s air quality from adverse air pollution impacts. There is some potential for the action to involve the use of construction equipment that will result in emissions. However, any such emissions would be localized, temporary and insignificant to the park’s air quality.

### 2.2.9 Noise

NPS Management Policies (NPS, 2002a) state that the parks will strive to preserve the natural quiet and the natural sounds associated with the physical and biological resources for the parks. Activities which cause excessive or unnecessary unnatural sounds in and adjacent to parks should be minimized so as not to adversely affect park resources, values, or visitors’ enjoyment

of them. There is some potential for the action to involve the use of construction equipment that will result in unnatural sounds. However, any such disturbance would be localized, temporary and insignificant to the park's natural sounds.

#### 2.2.10 Economic Factors

NEPA requires that not only cultural and natural factors be analyzed but also the "human environment" which includes economics. This may also include land use (occupancy, income, values, ownership and type of use) and socioeconomics (employment, occupation, income changes, tax base, infrastructures, etc.). There could be minor temporary contributions to employment and business in the surrounding area from the construction of some riverbank management solutions. However, these impacts are considered negligible and will not be discussed further.

#### 2.2.11 Social Factors

Another aspect of the "human environment" is the social impact related to the proposed actions. The proposed action is not anticipated to have any effect on social factors in or around CVNP.

#### 2.2.12 Energy Resources

There will be minor temporary use of energy from the construction of some riverbank management solutions. However, these impacts are considered negligible and will not be discussed further.

### 2.3 Other Regulatory Requirements and Coordination

#### 2.3.1 Nationwide Rivers Inventory Status

The Nationwide Rivers Inventory (NRI) is a listing of free-flowing river segments in the United States that are believed to possess one or more "Outstandingly Remarkable Values (ORV's)" judged to be more than local or regional significance.<sup>2</sup> Under a 1979 Presidential Directive and related CEQ procedures (Council on Environmental Quality, 1980), all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI segments. The NPS is responsible to maintain the NRI listing and for coordination under these procedures. A reach of the Cuyahoga River from the vicinity of Chippewa Creek upstream to Peninsula is listed in the NRI with ORV's for Scenery, Recreation and Fish. An impact to the free-flowing nature of this segment or to one or more of the ORV's in this segment could affect the ability for the segment to be designated as a Wild or Scenic River in the future. "Rip-rap, bank stabilization or erosion control structure" is listed in the CEQ procedures as an example of types of developments which would generally require consultation with NPS because of the potential for adverse effects on the values of a potential wild, scenic, or recreational river. Therefore, aspects of any Riverbank Management action in this reach will need to be examined for its potential to adversely affect the ORV's. This evaluation is included as Appendix H.

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<sup>2</sup> For additional information on the Nationwide Rivers Inventory, see <http://www.nps.gov/nrc/programs/rtca/nri/>.